



W.P.(MD)No.5860 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.03.2025

CORAM

THE HON'BLE MR.JUSTICE P.B.BALAJI

W.P.(MD)No.5860 of 2025

and

W.M.P.(MD)Nos.4261 & 4262 of 2025

C.Nagarajan

: Petitioner

Vs.

1.The District Revenue Officer,
Madurai District,
Madurai.

2.The Revenue Divisional Officer,
Usilampatti,
Madurai District.

3.S.Muthusamy

4.S.Nagan @ Nagaiah

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Certiorari, calling for the records relating to the impugned order passed by the first respondent in his **എ.എ.എ. 3279 / 2015 / 213** dated 01.12.2022 and quash the same as illegal and consequentially forbearing the respondents 3 and 4 from interfering with the said property till the disposal of the suit.



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W.P.(MD)No.5860 of 2025

For Petitioner : Mr.A.Rajini

For Respondents 1 & 2 : Mrs.K.Malathi

Additional Government Pleader

ORDER

The petitioner challenges the impugned order of the first respondent in **MP.4.688.3279/2015/213** dated 01.12.2024.

2.I have heard the learned Counsel for the petitioner and Mrs.K.Malathi, learned Additional Government Pleader appearing for the respondents 1 & 2.

3.The case of the petitioner is that the petitioner is the absolute owner of the subject property which has been gifted to his mother in the year 1977 and thereafter, to the petitioner by his mother. According to the petitioner, when the petitioner has been in absolute possession and enjoyment, carrying out agricultural activities in the subject property, the respondents 3 and 4 attempted to disturb her lawful possession, thereby constraining the petitioner to institute a suit in O.S.No.159 of 2015 before the District Munsif cum Judicial Magistrate No.1, Usilampatti, seeking the relief of permanent injunction to restrain the respondents 3 & 4 herein not to interfere with the peaceful possession. The said suit is admittedly pending.



W.P.(MD)No.5860 of 2025

4.In the meantime, the respondents 3 & 4 moved the second respondent seeking transfer of patta in respect of lands comprised in Survey No.174/20, to which the petitioner also claims right. After conducting an enquiry, the first respondent has passed the impugned order dated 01.12.2022. The grievance of the petitioner is that when a suit is pending, concerning the very same property, the revenue officials ought not to have been passed any orders. The petitioner has also filed a representation before the first respondent and the same is pending. The learned Counsel for the petitioner, on instructions submits that the petitioner is withdrawing the said representation which is infact posted for hearing today.

5.However, learned Counsel for the petitioner seeks limited relief of expeditious disposal of the suit filed by the petitioner in O.S.No.159 of 2015 and thereafter, the revenue authorities can accordingly, mutate the revenue records, depending upon the outcome of the said suit. Though the respondents 3 and 4 moved only the second respondent, the second respondent considering the fact that the matter pertains to UDR correction, forwarded the application to the first respondent who has passed the impugned order. The petitioner also filed revision only before the first respondent, despite the order being passed by the first respondent. In any event, the petitioner undertakes to withdraw the said revision.



W.P.(MD)No.5860 of 2025

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6.Considering the above, it would suffice to issue a direction to the District Munsif cum Judicial Magistrate No.1, Usilampatti, to dispose of O.S.No.159 of 2015, which is pending for almost ten years. The said suit shall be disposed of within a period of three [3] months from the date of receipt of a copy of this order. If the petitioner apprehends any interference from the respondents 3 and 4, it shall always be open to the petitioner to move an interlocutory application before the District Munsif cum Judicial Magistrate No.1, Usilampatti and if filed, the District Munsif cum Judicial Magistrate No.1, Usilampatti, shall dispose of the same, after affording an opportunity to the respondents 3 & 4 to file a counter, within a period of four [4] weeks.

7.Accordingly, this Writ Petition stands disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

05.03.2025

Index :Yes / No

Internet : Yes / No

NCC : Yes/No

MR



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W.P.(MD)No.5860 of 2025

To

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Madurai District,
Madurai.

2.The Revenue Divisional Officer,
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W.P.(MD)No.5860 of 2025

P.B.BALAJI., J.

MR

W.P.(MD)No.5860 of 2025

05.03.2025